A special meeting of the mayor and city council of the City of Columbus, Nebraska, was convened in open and public session on November 24, 2020, at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska, the same having been called by Mayor Bulkley.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram, with a copy of the proof of publication being on file in the office of the city clerk. Notice of this meeting was given simultaneously to the mayor and members of the city council, with a copy of the acknowledgement of receipt of notice being on file in the office of the city clerk. Availability of the agenda was communicated in the advance notice and in the notice to the mayor and city council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

1. **Statement of Compliance with Open Meetings Act and Roll Call.** Mayor Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor James Bulkley and Council Members Beth Augustine-Schulte, Charlie Bahr, Troy Hiemer, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. City staff members included City Attorney Neal Valorz, City Clerk Janelle Kline, Police Chief Chuck Sherer, Computer Network Technician Matt Soukup, Assistant City Clerk Robin Efta, and Library Assistant Brenda Pflum. City Administrator Tara Vasicek participated via Zoom.

2. **Emergency Ordinance No. 20-25 amending Chapter 92 of Title IX of Ordinance No. 05-47 (Columbus City Code) to add Sections 92.50 through 92.61, entitled "Prevention of COVID-19"; providing legislative findings and intent; requiring individuals to wear facial coverings and exceptions thereof; providing for enforcement of violations and penalties; establishing a sunset provision; and providing for the effective date.** The rules were suspended and Ordinance No. 20-25 entitled: AN EMERGENCY ORDINANCE PURSUANT TO THE CITY OF COLUMBUS' AUTHORITY TO PASS ORDINANCES AND MAKE REGULATIONS TO SERVE THE GENERAL HEALTH OF THE CITY, PRESCRIBE RULES FOR THE PREVENTION, ABATEMENT, AND REMOVAL OF NUISANCES AS WELL AS THE AUTHORITY TO MAKE SUCH REGULATIONS AS TO PREVENT THE INTRODUCTION AND SPREAD OF CONTAGIOUS, INFECTIOUS, OR MALIGNANT DISEASES IN THE CITY OF COLUMBUS, PURSUANT TO NEB. REV. STAT. §§16-201, 16-238, 16-240 AND 16-246; AMENDING CHAPTER 92 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO ADD SECTIONS 92.50 THROUGH 92.61 ENTITLED "PREVENTION OF COVID-19"; TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO REQUIRE INDIVIDUALS TO WEAR FACIAL COVERINGS AND EXCEPTIONS THEREOF; TO PROVIDE FOR THE ENFORCEMENT OF VIOLATIONS AND PENALTIES; TO ESTABLISH A SUNSET PROVISION; AND TO PROVIDE THE EFFECTIVE DATE HEREOF was read by number only with a

motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted “Aye” and none voted “Nay”. Bulkley gave a brief history on how this meeting came to be and pointed out that a few communities have adopted a mask ordinance and a number of other communities, along with Columbus, are considering the option in order to help slow the spread of the virus. He noted the strain that the virus has been putting on medical professionals and hospital facilities and said the trends are escalating and something has to give. Bulkley announced that he and the council would hear from the opposing side prior to hearing from those in support of the ordinance. He requested that comments be kept short and to the point. The following citizens spoke and expressed opposition to this ordinance: Christine Walker 4820 37 Street; Alexander Vlach 2919 15 Street; Michael Jones 2172 18 Avenue; Taylor Anderson 3653 36 Avenue; Kyle Haddock 5212 42 Street; Lorelei Anderson 275 24 Avenue; Paul Young 3259 40 Avenue; Robert Wright 3279 38 Avenue; Randy Anderson 275 24 Avenue; Curt Brinkman 3507 20 Street; Lois Arlt 2718 36 Street; Bruce Keyes 4921 37 Street; Jed States 2816 28 Street; Melissa Kosch 4128 60 Street; Victoria Brinkman 3507 20 Street; Jack Hoppe 105 Pershing Road; Sharon Brinkman 1611 4 Street; Bennett Holt 2904 18 Street; Bill Suiter 1712 11 Street; Justin Anderson 5106 Copperhead Road; Steve Koch 2808 6 Street; Richard Kudron 564 22 Avenue; Jake Pales 1210 9 Street; Robin Keyes 4921 37 Street; Sharon Leffers 2570 14 Avenue East; Steve Lloyd 249 13 Street; Rebecca Tucker 4324 Connor Drive; Austin Keyes 4921 37 Street; Barb Cave 2014 31 Street; and Nathan Jackson 6039 Shady Lake Road. They cited the following statements and questions: masks impede oxygen and lowers immunity; city should promote exercise and supplements; will not shop locally if masks are mandated; statistics do not prove that masks are beneficial; the pandemic is not a real crisis, there are underlying conditions that cause deaths of COVID patients; mandating masks will have a negative impact on restaurants and small businesses; it is difficult to identify masked criminals for prosecution; masks are ineffective as they are not worn or stored properly; masks have generated extra trash on parking lots; masks make it difficult to form relationships; it is unhealthy and unsanitary to wear masks; enforcement of violations is impractical; mandating masks is an infringement of citizen’s liberties; vaccinations for the pandemic will be available soon; government should trust individuals to protect themselves; statistics show that more deaths are caused by other illnesses; will this mandate lead to further mandates and how will HIPAA protect those who are unable to wear masks? A show of hands of those in attendance at the meeting indicated that a majority did not support the adoption of the ordinance. Jeremy Hladik, employee of Meridian Gardens, shared his experiences with COVID and expressed support of the ordinance in order to slow the spread of the virus. Shawna Gilbert and Greg Jarecke, representatives of BD Medical, read a letter of support of the ordinance from BD Medical’s corporate headquarters. Bulkley acknowledged letters of support received from Behlen Manufacturing, Columbus Area Chamber of Commerce, Dr. Luke Lemke, Columbus Public

Schools, Scotus Central Catholic High School, and Lakeview Public Schools. Chuck Sepers, Chief Public Health Officer of East Central District Health Department, expressed support of the ordinance and gave a presentation on face masks and the reduction of COVID-19 transmission in communities, citing statistics and benefits of wearing a mask. Kip Anderson, M.D. expressed support of the ordinance and gave an account of healthcare provider's experiences in dealing with the pandemic. He said healthcare providers are physically and emotionally exhausted, the demand for hospital rooms is increasing at dangerous levels, forcing them to look at alternative facilities, and he said wearing masks will help slow the spread of the virus. Michelle Sells, M.D. noted that the healthcare team has prepared for this pandemic. They have explored different avenues to deliver safe healthcare, amended treatment protocols as needed, cross-trained, learned new skills, have become adaptive and flexible to manage patients as best as possible, and treated as many patients as possible from their clinics in order to avoid taking up necessary emergency room or inpatient beds at the hospital. The healthcare team has stepped up to deliver high quality medical care and will continue to do so; however, she feels everyone should do their part to assure that everything is being done to slow the pace of the virus. She urged everyone to accept the mask requirements and practice social distancing by avoiding crowds and large gatherings as well as practice excellent hand hygiene. David Bell, 15 Clear Lake, expressed support of the ordinance as he feels the city should take the advice of the medical professionals and he pointed out that the mask requirements are short-term. The council members thanked the public for all the phone calls and emails they received on this issue. Bahr pointed out that the ordinance provides for exceptions to wearing facial coverings and noted that masks are not required "if an individual can maintain a minimum of six feet of separation or social distance at all times from anyone who is not a member of the individual's household". Lohr inquired about possible long-term health issues after having COVID and Sell and Anderson said the long-term affects are unknown at this time; however, they are seeing ongoing symptoms from patients who have had the virus. Jablonski acknowledged that a mask mandate is a tough issue to address and encouraged anyone who may have an interest in serving on the council to file for a seat at the next election in two years in order to help make these types of decisions. He noted that he will vote against this ordinance as he does not feel it is enforceable. Roth expressed concerns that a mask mandate may not make an adequate difference in slowing down the virus as a large number of people currently wear masks. Hiemer stated that he does not feel that government should require masks to be worn as it is not enforceable. Augustine-Schulte clarified that the council members have not been required to wear masks at council meetings but have chosen to do so. She said she feels that businesses and organizations should determine whether or not masks are required in their facilities. Schilling questioned whether the number of COVID cases will decrease with a mask mandate as he has witnessed that a majority of people currently wear masks. Kresha

noted that Robert Redfield, M.D., Director of Centers for Disease Control and Prevention, has reported that masks do work. A motion was made by Bahr and a second by Kresha to adopt Ordinance No. 20-25. Bahr, Kresha, Lohr, and Roth voted "Aye" and Augustine-Schulte, Hiemer, Jablonski, and Schilling voted "Nay". Bulkley confirmed with the council members to be sure that the votes submitted were correct. Due to a tie vote, Mayor Bulkley voted "Aye" and Emergency Ordinance No. 20-25 was adopted.

3. Adjournment. The meeting adjourned at 9:55 p.m.

Presented and approved this 7 day of December, 2020.

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MAYOR

ATTEST:

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CITY CLERK